

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**WELLS FARGO TRUST COMPANY,  
NATIONAL ASSOCIATION, as Collateral  
Trustee;**

**Plaintiff,**

**vs.**

**SOUTH SIOUX CITY, a Nebraska  
Municipality;**

**Defendant.**

**8:20CV359**

**AMENDED  
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Joint Motion to Amend Progression Order ([Filing No. 76](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Joint Motion to Amend Progression Order ([Filing No. 76](#)) is granted, and the case progression order is amended as follows:

- 1) A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **August 9, 2023**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **November 30, 2023**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **December 13, 2023**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 3) The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:  
For the defendant:  
Plaintiff's rebuttal:

**October 30, 2023  
January 5, 2024  
February 2, 2024**

- 4) The planning conference scheduled for June 30, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **February 28, 2024**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **February 29, 2024**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **fifteen (15)**.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **March 15, 2024**.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **April 30, 2024**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 28<sup>th</sup> day of February, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge